

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JUNE 21, 2005
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE-CHAIRMAN (arrived at 7:15 p.m.)
MEMBERS: JOA PENZIEN
CHARLES OLIVER
ARNOLD THOEL
DEBORAH ZOLNOSKI

ABSENT: MICHAEL D. KOEHS, SECRETARY

ALSO PRESENT: James Gelios, Deputy Clerk
Lawrence Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Member THOEL called the roll. Clerk KOEHS absent Member AUSILIO arrived at 7:15 p.m.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by THOEL to approve the agenda as presented.

MOTION carried.

3. Approval of the June 7, 2005 previous Meeting Minutes

MOTION by OLIVER seconded by THOEL to approve the June 7, 2005 previous Meeting Minutes.

MOTION carried.

AGENDA ITEMS:

4. **Revised Site Plan; Highland Hills Condos #3;** Located on the east side of Romeo Plank Road, ½ mile north of 22 Mile Road; Highland Hills Development, Petitioner. Permanent Parcel No. 08-20-200-035. *(Tabled from 5/17/05)*

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Mark Roebuck

Public Portion: None

MOTION by OLIVER seconded by ZOLNOSKI to approve the Revised Site Plan; Highland Hills Condos # 3; Permanent Parcel No. 08-20-200-035. This motion is based on the Planning Consultants recommendations as follows:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
3. **The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
4. **The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
5. **Sidewalks to be provided to the satisfaction of the Township Engineer.**

6. **Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
7. **That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
8. **An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department. (*Bond posted October 25, 1999*).**
9. **The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
10. **That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
11. **That all signs be designated on the site plan and meet the Township requirements.**
12. **That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
13. **MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**

14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.

23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That a Cross Easement Agreement between Phase I and Phase III be recorded upon legal approval. *(Received October 27, 1999)*
24. That all documents pertaining to the recording of the project including any exhibits and cross access easements be approved by the Township Attorney and Township Assessor.

MOTION carried.

5. **Special Land Use; Romeo Plank Crossing;** Located on the southeast corner of Romeo Plank Road and 23 Mile Road; Morelli Investments, Petitioner. Permanent Parcel No. 08-20-200-046.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Bob Kirk and David Morelli

Public Portion: None

MOTION by PENZIEN seconded by ZOLNOSKI to approve the Special Land Use; Romeo Plank Crossing provided that all of the standards and requirements of the original and revised site plan approval for the property in question be maintained; That all of the standards and requirements of the C-2 zone be met in terms of setbacks, signs, outdoor sales and displays and maintenance; That the property will not be further divided or split or combined with other parcels and that the petitioner provides for the cost of the development of the west half of the pedestrian bridge crossing the river to the east along 23 Mile Road. Further, that the entire landscaping areas including the area between the sidewalk and curb be sodded and sprinkled. Seeds may be sown in the area noted on the plan along the bank of the river and in the detention basin. Permanent Parcel No. 08-20-200-046. This motion is pursuant to the Planning Consultants recommendations as follows:

1. The Romeo Plank Crossing Center is of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
2. The Romeo Plank Crossing Center is of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district

- involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.
3. The Romeo Plank Crossing Center has been designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating there from which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
 4. The Romeo Plank Crossing Center is such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or other buildings.
 5. The Romeo Plank Crossing Center relates harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township
 6. The Romeo Plank Crossing Center is necessary for the public convenience at the proposed location.
 7. The Romeo Plank Crossing Center is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
 8. The Romeo Plank Crossing Center will not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

The Special Land Use is approved contingent upon the following special conditions:

- a. That all of the standards and requirements of the original and revised site plan approval for the property in question be maintained.
- b. That all of the standards and requirements of the C-2 zone be met in terms of setbacks, signs, outdoor sales and displays and maintenance.

- c. That the property will not be further divided or split or combined with other parcels.
- d. That the petitioner provides for the cost of the development of the west half of the pedestrian bridge crossing the river to the east along 23 Mile Road. Further, that the entire landscaping areas, including the area between the sidewalk and curb be sodded and sprinkled. Seeds may be sown in the area noted on the plan along the bank of the river and in the detention basin.

MOTION carried.

- 6. **Site Plan Review; Fairways Professional Office;** Located on the north side of 23 Mile Road, approximately ¼ mile west of Card Road; John Cavaliere, Petitioner. Permanent Parcel No. 08-15-401-005.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: John Cavaliere

Public Portion: Township residents addressed their concerns regarding the landscaping plans specifically relating to the development of the wall and suggested that the commission consider requiring that the landscape wall be constructed with brick.

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Fairways Professional Office. Permanent Parcel No. 08-15-401-005. This is pursuant to the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are

permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**

12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.

21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from lights will shine into the abutting residential areas.
23. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

MOTION carried.

7. **Final Plan Review; Breton Woods Site Condominiums;** Located on the northeast corner of Hayes Road and 25 Mile Road (excluding immediate corner); Elro Corporation, Petitioner. Permanent Parcel No. 08-06-300-034.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Daniel S. Spatafora and Harry Terbruggen

Public Portion: Lee Poma, representing her father, the original property owner, addressed her concerns concerning the agreement between the

developer and her father regarding the development of the property.

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Plan Review; Breton Woods Site Condominiums contingent upon a footprint being submitted in compliance with all Zoning Ordinance requirements for lot no. 50 to the Township Clerks Department prior to being scheduled on the July 13, 2005 Township Board of Trustees Meeting. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of the Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed site condominium.
3. That the detention area meets the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the preliminary plan approval have been incorporated into the Final Plan.
5. That all lots within the Final Plan meet the requirements of the Township Zoning Ordinance.
6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the

lower amendment on the flood plain map prior to the issuance of any building permits.

7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plan are true and accurate as they provide the basis for this recommendation.
8. That a bond in the amount to be determined by the Township Engineer based upon estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plan as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the issuance of building permits.
9. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
10. All street names be cleared by the Township Supervisor for purposes of continuity prior to the issuance of building permits. Addresses will be assigned after final preliminary plat approval by the Township Board. *(Street names approved January 31, 2005)*
12. That the Master Plan and restrictive covenants that will be recorded as part of this development, have been approved by the Township Attorney. The restrictive covenants and Master Deed must be recorded and verified by the Township Attorney before any permits may be issued for the site.
13. That the articles of Incorporation for the Homeowners' Association for the development have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before any permits may be issued for the site.
14. That a footprint be submitted indicating compliance with all Zoning Ordinance requirements for lot no. 50.
15. That matter of the type of turnaround at the end of Corbin Drive and Breton Woods Drive be approved by the Township Engineer.

MOTION carried.

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8. **Temporary Ground Sign(s); Bridgewater Estates;** Located on the south side of 24 Mile Road ¼ mile east of Romeo Plank Road; Giuseppe Vitale, Petitioner. Permanent Parcel Nos. 08-17-201-002 and 08-17-252-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Giuseppe Vitale

Public Portion: None

MOTION by PENZIEN seconded by OLIVER to approve the Site Plan for two Temporary Ground Signs for Bridgewater Estates Site Condominiums for one (1) year; Located at the 24 Mile Road entrance of the proposed Bridgewater Estates Condominiums situated in the 20' greenbelt area in the southeast corner of 24 Mile Road and Tacoma Narrows Drive and the second sign will be located at the Romeo Plank Road entrance situated on the north east corner of the intersection of Romeo Plank Road and Mackinac Drive. Permanent Parcel Nos. 08-17-201-002 & 08-17-252-011. This motion is based on the Planning Consultants recommendations as follow:

0. **That Section 10.0319 of the Zoning Ordinance be met.**
0. **All necessary permits *must* be obtained from the Building Department prior to any sign construction.**
0. **That the ground sign be limited to 32 square feet.**
4. **That the approval be for a period of one year, at which time the petitioner will apply for an extension. Please note that this sign will be the only permitted sign location for this parcel.**
5. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**
6. **That the petitioner identify the proposed setbacks on the drawings. You may either submit new drawings or hand mark and initial the submitted drawings currently in the Clerk's Office.**

MOTION carried.

9. Proposed amendments to the Master Plan addressing the residential density of sections 2 and 3 of the Township.

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The Macomb Township Board requested that the Planning Commission consider an amendment to the Master Plan Map to change the density of two square miles, Sections 2 and 3. The proposed amendment would revise the proposed residential densities in these sections from (One unit per acre) to (two units per acre).

Jerome R. Schmeiser, Community Planning Consultant, reviewed that the Macomb Township Master Plan was adopted by the Township Board in December of 2002 in accordance with Act No. 263 of the Public Acts of 2001 of the State of Michigan. In the 1960's the Township began to develop a long-range planning program. The original Master Plan was adopted by the Planning Commission in 1973 with subsequent updates in 1988, 1994, 1999 and 2002.

The Plan addresses land use issues for the entire Township, projecting 20 years into the future. The Plan includes the allocation of land for agriculture, residences, commerce, industry, recreation, public buildings, open spaces and other uses. The plan also includes the general location, character and extent of streets, roads, highways, railroads, trail ways, green ways and discussion relating to drainage, sanitary sewers and water supply systems. Finally, the Plan includes recommendations for implementing proposals contained therein.

Mr. Schmeiser highlighted the proposals and recommendations for the amendments to the Master Plan as it relates to sections 2 and 3 of the Township. Mr. Schmeiser indicated that the process will include the Planning Commission forwarding a recommendation to the Township Board of Trustees who will in turn authorize sending copies of the plan to those entities that were noticed that the Master Plan amendment process had begun. Subsequently, a Public Hearing will be scheduled for the Planning Commission for final recommendation to the Township Board of Trustees.

Public Portion: Township residents addressed their concerns regarding the different types of developments permitted in residential zones.

MOTION by THOEL seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to proceed with the Master Plan amendments specifically relating to sections 2 and 3 of the Township relating to residential densities.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

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10. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by ZOLNOSKI to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by AUSILIO seconded by ZOLNOSKI to adjourn the meeting at 8:30 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb